

EXHIBIT "A"

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February 22, 2008

Mark Barrett, Esq.
P.O. Box 896
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Re: Taryn Christian v. Richard Bissen, Director of
Department of Public Safety
USDC - Civ. No. 04-00743 DAE-LEK

Dear Mr. Barrett:

We are in receipt of your electronic mail correspondence dated February 21, 2008. We have several concerns pertaining to the requests in the email message.

First, at this point, we are opposed to any further discovery being conducted in violation of Judge Kobayashi's 12/27/07 Minute Order ("Order"). Specifically, we are opposed to sending any further evidence to any expert that is not described in the Order.

If you recall, in the latter part of January, you indicated that you were possibly interested in having the Gas Express videotapes, the knife sheath, and the shorts sent to your experts for analysis. Now, in addition to those items, you are expressing interest in swabs and audiotapes of other witness interviews. Based upon this, there are serious concerns that this discovery process could continue indefinitely.

Moreover, as mentioned earlier, we are unaware of the whereabouts of the shorts, and have no idea as to the specific swabs or witness interviews you are referring to, or whether those items even exist.

Second, it appears that your expert, Brian Wraxall is not complying with the Court Initial Discovery Order. Specifically, it appears that Mr. Wraxall has decided not to test items #7 & #8, which are the jacket and cap, respectively.

Mark Barrett, Esq.
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Third, we oppose any request to have all deadlines occur on the same date. In our opinion, the deadline for the motion for evidentiary hearing should fall after all other discovery deadlines. This way, both sides will have a better understanding of what questions of fact exist, if any, which would necessitate an evidentiary hearing.

Finally, we have not received ANY payment from you as mandated by the Court in the Order. Back then, the total outstanding was \$294.58. Now, the total amount due stands at \$449.83. (See attached copies of all invoices to date). Due to this high outstanding balance, we are reluctant to incur any additional non-reimbursed discovery related expenses.

Should you have any questions or concerns, please contact me at (808) 270-7777.

Very truly yours,



PETER A. HANANO
First Deputy Prosecuting Attorney

c: Judge Leslie Kobayashi

attachments